IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 9TH JANUARY 2007 / 19TH PAUSHA 1928

Crl.MC.No. 2541 of 2006()

CC.284/2000 of JUDL.MAGISTRATE OF FIRST CLASS COURT, OTTAPPALAM

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PETITIONER: ACCUSED NO.1

P.C.SOMAN S/O.SANKUNNY AGED 52 YEARS,
ASSISTANT TALUK SUPPLY OFFICER, RESIDING AT
PERUMCURRISSI HOUSE, VARODE P.O., OTTAPALAM.

BY ADV. SRI.C.K.PAVITHRAN

RESPONDENTS: STATE AND COMPLAINANT

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1. SUB INSPECTOR OF POLICE,
OTTAPPALAM, PALAKKAD DISTRICT.

2. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

3. REGIONAL MANAGER,
KERALA STATE CIVIL SUPPLIES CORPORATION LTD.,
PALAKKAD.

4. THE MANAGING DIRECTOR,
KERALA STATE CIVIL SUPPLIES CORPORATION LTD.,
MAVELI BHAVAN, GANDHI NAGAR, COCHIN -20.

BY PUBLIC PROSECUTOR SRI.K.A. AKBAR

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 09/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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Crl.M.C.No. 2541 of 2006

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Dated this the 9th day of January, 2007

O R D E R

The petitioner is the first accused in a prosecution under Section 409 I.P.C. The case has been pending before the learned Magistrate as C.C.No. 284 of 2000. Charges were framed long back. The case has not been taken up for trial. The petitioner has come to this Court with a prayer that powers under Section 482 Cr.P.C. may be invoked to quash the proceedings.

2. What is the reason? According to the petitioner, pendency of this case is affecting his prospects for promotions in employment. Further, he submits that Annex. III letter has been written by the Asst. Manager of the Taluk Depot, Ottapalam informing him that the over writings and re-writings in the stock register, which is relevant to the charge leveled against the petitioner, were not intentional and occurred due to a clerical error. They were not purposeful or willful, it is stated in Annex. III. According to the petitioner, he received a letter form the Additional General Manager of the Kerala State Civil Supplies Corporation, a copy of which is produced as

Annex.IV, in which it is stated that the complaint cannot be withdrawn as the offence is non-compoundable. Relying on Annexs. III and IV, the contention is raised that the proceedings are liable to be quashed.

3. I have been taken through Annexs. III and IV They do not specifically refer to the allegations raised in the F.I. statement or in the final report. Charges have already been framed also. The vague and general statements available in Annexs. III and IV, are, according to me, certainly not sufficient to justify the invocation of the extra ordinary jurisdiction under Section 482 Cr.P.C. and quash the proceedings against the petitioner. In these circumstances this Crl.M.C. cannot be allowed. However, I am shocked to note that the proceedings initiated as early as in 2000 has not come to an end so far. I am satisfied that a direction can be issued to the learned Magistrate to dispose of C.C. 284 of 2000 as expeditiously as possible, at any rate, within a period of three months from the date on which a copy of this order is placed before the learned Magistrate. Compliance shall be reported to this Court.

4. With the above observations, this Crl.M.C. is dismissed.

5. Hand over copy of the order to the learned counsel for the petitioner forthwith.

(R. BASANT)
Judge

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